
By: **Prince George's County Delegation**
Introduced and read first time: February 5, 2003
Assigned to: Economic Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 11, 2003

CHAPTER_____

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages Violations - Maximum Fine**
3 **PG 302-03**

4 FOR the purpose of altering the maximum fine that the Prince George's County
5 Board of License Commissioners may impose for certain alcoholic beverages
6 violations instead of or in addition to certain other penalties; making stylistic
7 changes; and generally relating to penalties for alcoholic beverages violations in
8 Prince George's County.

9 BY repealing and reenacting, without amendments,
10 Article 2B - Alcoholic Beverages
11 Section 10-401(a) and (g)
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 2B - Alcoholic Beverages
16 Section 16-507(r)
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

Article 2B - Alcoholic Beverages

10-401.

(a) (1) In this section "issuing authority" means, as appropriate, the:

(i) Comptroller with respect to licenses or permits issued by the
Comptroller's Office; or

(ii) Board of license commissioners, with respect to licenses
approved by them, for Baltimore City or any county.

(2) Any license or permit issued under the provisions of this article may
be revoked or suspended by the issuing authority for any cause which in the judgment
of the official, court or board, is necessary to promote the peace or safety of the
community in which the place of business is situated.

(3) The license or permit must be revoked or suspended, except as
provided in § 10-402 of this subtitle, for the following causes:

(i) Conviction of the licensee or permittee for violation of any of the
provisions of the Tax - General Article that relate to the alcoholic beverage tax or the
provisions of this article;

(ii) Willful failure or refusal of any licensee or permittee to comply
with the provisions of the Tax - General Article that relate to the alcoholic beverage
tax or any provisions of this article, or any rule or regulation that may be adopted in
pursuance of this article or the provisions of the Tax - General Article that relate to
the alcoholic beverage tax;

(iii) Making of any material false statement in any application for a
license or permit;

(iv) Two or more convictions of one or more of the clerks, agents,
employees and servants of a licensee or permittee under the provisions of this article
or the provisions of the Tax - General Article that relate to the alcoholic beverage tax
of any violation on the premises subject to the license or permit, within a period of two
years;

(v) Possession upon the premises of any retail dealer other than the
holder of a Class E, Class F or Class G license of any alcoholic beverage upon which
the tax imposed by § 5-102 of the Tax - General Article has not been paid;

(vi) Violation of the provisions of § 12-104 of this article;

(vii) Willful failure of any licensee or permittee to keep the records
required by this article or the provisions of the Tax - General Article that relate to the
alcoholic beverage tax or to allow any inspections of such records by a duly authorized
person;

1 (viii) Possession of any alcoholic beverage which any licensee or
2 permittee other than the holder of a Class E, Class F or Class G license is not licensed
3 to sell;

4 (ix) Suspension or revocation of a permit issued to any licensee or
5 permittee by the Federal Bureau of Alcohol, Tobacco and Firearms or for conviction of
6 violating any federal laws relating to alcoholic beverages; and

7 (x) Failure to furnish bond as required by this article within fifteen
8 days after notice from the Comptroller.

9 (4) Revocation and suspension of licenses is also authorized for such
10 other offenses as specified in other parts of this article.

11 (g) (1) This subsection applies only in Prince George's County.

12 (2) (i) The term "conviction" in this subsection includes:

13 1. A verdict or plea of guilty; or

14 2. The forfeiture of a bond or collateral accepted on any
15 pending charge, warrant, or indictment before any court; or

16 3. The revocation or suspension of an alcoholic beverage
17 license by the Board because of a violation of any provision of this article or
18 regulations promulgated under it.

19 (ii) For the purpose of this subsection two or more violations
20 against the same licensee, agent, servant or employee or affecting the same premises
21 occurring on the same day shall be considered to be one offense. The provisions of this
22 subsection are applicable only to violations and offenses occurring after June 1, 1957.

23 (3) Notwithstanding any other provisions of this article, but in addition
24 to them, the Board of License Commissioners may suspend any license issued under
25 the provisions of this article for a minimum period of 30 days for:

26 (i) Any conviction of the licensee of a violation in or on the licensed
27 premises of any of the provisions of this article concerning an illegal sale of alcoholic
28 beverages on Sunday, or for two or more convictions of different clerks, agents,
29 employees or servants of a licensee under the provisions of this article for a violation
30 in or on the licensed premises of any of the provisions of this article concerning an
31 illegal sale of alcoholic beverages on Sunday.

32 (ii) The Board of License Commissioners may revoke any license
33 issued under the provisions of this article if within a period of two years any licensee
34 is convicted twice for violating in or on the licensed premises any of the provisions of
35 this article concerning an illegal sale of alcoholic beverages on Sunday, or if within
36 that period there are two convictions of the same clerk, agent, employee or servant of
37 a licensee under the provisions of this article, for any violation in or on the licensed
38 premises concerning illegal sales of alcoholic beverages on Sunday.

1 (iii) The Board of License Commissioners may revoke or suspend
2 any license issued under the provisions of this article for any conviction of the licensee
3 of any violation in or on the licensed premises of any of the laws of the State of
4 Maryland concerning gambling or gaming, or for any two convictions of one or more of
5 the clerks, agents, employees or servants of a licensee under the provisions of this
6 article of violations in or on the licensed premises concerning gambling or gaming,
7 which offenses occurred within a period of two years.

8 (4) The Board may revoke or suspend a license, whether new or by
9 transfer, when the license has not been placed in operation after a period of six
10 months from the date of the approval by the Board of the new license or transfer of
11 license.

12 (5) In addition to the above, the Board may revoke the license of a
13 licensee for:

14 (i) A felony conviction of a licensee or any stockholder of a
15 corporation having the use of an alcoholic beverages license; or

16 (ii) Closing the licensed premises for more than 30 days without the
17 Board's permission. The Board may allow a closing of the licensed premises for a
18 reasonable period of time.

19 (6) If a sole proprietorship, partnership, corporation, club, or association
20 has not complied with the residency requirements as specified in § 9-101 of this
21 article, the Board of License Commissioners may revoke or suspend the license of a
22 licensee.

23 (7) The Board may revoke, suspend, or refuse to renew the license of a
24 licensee, or refuse to issue a license to an applicant, if the licensee or applicant
25 willfully failed or refused to pay hotel/motel taxes due and owed to the county within
26 60 days after the licensee or applicant received the first notice of delinquency.

27 16-507.

28 (r) In Prince George's County the Board of License Commissioners may
29 impose a fine [of not more than \$5,000 in lieu of] NOT EXCEEDING \$12,500 INSTEAD
30 OF or in addition to suspension or revocation of a license for any violation that is
31 cause for suspension or revocation under the alcoholic beverage laws affecting Prince
32 George's County.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2003.

